

To: The Federal Communications Commission
In the matter of: **RM-10740**
July 11, 2003

These comments filed in OPPOSITION to RM-10740 challenge this proposal in whole and in part. The following will establish that the request for rulemaking has no redeeming value to address the goals Petitioners have identified, and therefore must be rejected *en toto*.

Inappropriate venue for relief from anecdotal interference

Background

The Petitioners have cited anecdotes of interference as their motivation for asking for federal intervention in the form of mandatory bandwidth constraints on the two predominant modes of voice communications on the shortwave ham bands, Single Sideband (“SSB”) and Amplitude Modulation (“AM”).

They divide their complaints against SSB across two groups of operators, one (Group 1) where Petitioners believe transmitters have been deliberately made to create dirty signals involving “splatter” and intermodulation distortion products that extend beyond what would be considered the alleged perpetrator’s frequency of operation. Complainants cite a second group of SSB operators (Group 2) in their Petition involving amateurs who engage in the pursuit of clean, “enhanced” audio techniques and the unusual bandwidth necessary to pass an improved level of fidelity.

Challenge

This commenter believes a Petition for Rulemaking is an inappropriate venue to seek relief from the reputed interference from either Group 1 or Group 2, and as such, the request fails a basic test of merit and must be rejected.

For Group 1, existing Part 97 Rules regarding purity of signal¹ provide a mechanism to document and take action against violators today. Enforcement of the purity-of-signal rules has been rare despite a history of interference from technically deficient signals often found during the excitement of “contesting” and “DX-ing,” two activities that unquestionably create mass congestion and high levels of interference against non-participants. Incidents involving “splatter” arising from each of these activities are far more common than the number of incidents behind this Petition, and outnumber people on any list of operators the aggrieved Petitioners could name as being in Group 1. The comparison is made on like-grounds of anecdotal observations.

For Group 2, existing Amateur Service rules and operating protocol against malicious interference is a solid enforcement mechanism with which to take action against violators. Establishing the intent to interfere is not, in itself, provided with mandatory bandwidth constraints, and the basis of interference the Petitioners have cited here is more a matter of operator interaction and good judgment² than technical shortcomings. The Petition seeks to influence behavior and curtail interference by constraining bandwidth, but Petitioners fail to show how they would achieve this goal through the enforcement of additional technical standards.

Petition does not justify negative impact on Amplitude Modulation

FCC Rules, Sec. 1.401, *Petitions for rulemaking*, part (c.), states that such a document shall indicate how the interests of the petitioner *will be affected*. Here, the petitioners do the contrary; they state the “use of AM...does not create...problems,” and that “a very small percentage of Amateurs use AM.” The petitioners indicate they have no known problems to report involving AM activity.

Consequently, their having included a request for mandatory bandwidth constraints on AM can only be viewed as extraneous. They failed to cite any complaint or documented problem, and did not explain why they chose to include this mode in their request. There is no statement describing how their proposal for mandatory, inflexible constraints on this mode’s bandwidth *will affect the Petitioners’ interests*, as required by FCC Rules Sec. 1.401.

Separately, and not in relation to this petition, FCC Enforcement Counsel Riley Hollingsworth has recently made public comments³ stating his office has “absolutely” no problem with AM activity when it comes to complaints or enforcement action.

Such comments about AM from the agency’s top official in charge of enforcement matters in the Amateur Service may provide equity against such unjustified Petitions against this mode and activity.

Summary

[I urge the Commission to reject this petition in its entirety.](#) Petitioners can obtain satisfaction under existing rules regarding “dirty” signals. For other signals that fall within generalized technical standards that have long been validated for an experimental hobbyist service, the FCC may recommend improved strategies of voluntary, flexible frequency coordination to minimize friction among operators and their activities. Such an approach, available under today’s Rules and the tenets of good operating practice, makes maximum use of available spectrum by allowing dynamic adjustment of transmitters to suit conditions. RM-10740 will not boost the level of cooperation, tolerance and goodwill needed to preclude the anecdotes of interference Petitioners cite.

Signed,

/s/

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Licensed 1971

Addendum

Footnotes:

1. FCC Part 97 Rules on Emission Standards

97.307 (c) *"All spurious emissions from a station transmitter must be reduced to the greatest extent practicable."*

2. Summary of public remarks by Hollingsworth

In comments in February 2003 at the Richmond (Va.) Frostfest, reported by the ARRL at its website, www.arrl.net, Hollingsworth said *"Enforcement is no substitute for courtesy and common sense,"* Hollingsworth declared. *"More courtesy would go a long way."*

3. Summary of public remarks by Hollingsworth

In comments posted in June 2003 to the bulletin board at the site www.amwindow.org, the FCC official said *"from an enforcement/complaint standpoint, we have absolutely no problem with AM operators. They are a great bunch, generally they know radio, and they just want to work AM and don't seem to be concerned with "how wide is wide".*